

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KEVON E. HOUSTON,

Plaintiff,

v.

CAPTAIN RAHIF, et al.

Defendants.

ORDER

Case No. 24-cv-884-wmc

On December 13, 2024, this court entered an order directing plaintiff Kevon E. Houston to submit an initial partial payment of the filing fee in the amount of \$27.19 by January 6, 2025. Plaintiff has now filed a motion to use release account funds to pay the entire filing fee.

Under the Prison Litigation Reform Act, an inmate who files a lawsuit in federal court under the *in forma pauperis* statute, 28 U.S.C. § 1915, must pay the \$350 filing fee, first by making an initial partial payment under § 1915(b)(1), and then by paying the remainder of the filing fee in monthly installments under § 1915(b)(2). If a prisoner does not have sufficient funds in a regular inmate account to make the initial partial payment, then the prisoner may withdraw funds from a release account. However, prison officials will draw funds first from the prisoner's regular account and any portion of the initial partial payment remaining from the prisoner's release account. *Carter v. Bennett*, 399 F. Supp. 2d 936, 937 (W.D. Wis. 2005). "[N]othing in the fee collection provision of § 1915 can be read as requiring the state to allow a prisoner to pay off the balance of a federal court filing fee from money carried over several months in [a] release account." *Id.*

The only amount that plaintiff must pay at this time is the initial partial payment of \$27.19. Before prison officials take any portion of that payment from plaintiff's release account, they may first take money from plaintiff's regular account, up to the full amount that plaintiff owes.

Since the court has not yet received plaintiff's initial partial payment and the deadline is January 6, 2025, the court will provide plaintiff with an enlargement of time until February 6, 2025 to make the payment.

ORDER

IT IS ORDERED that:

1. Plaintiff Kevon E. Houston's motion to use release account funds to pay the entire filing fee in this case is DENIED.
2. Plaintiff may have until February 6, 2025, to submit a check or money order payable to the clerk of court in the amount of \$27.19. If plaintiff fails to make the initial partial payment by February 6, 2025 or fails to show cause why the payment could not be made, then I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be dismissed without prejudice to plaintiff refiling at a later date.

Entered this 15th day of January, 2025.

BY THE COURT:

/s/
ANDREW R. WISEMAN
United States Magistrate Judge